

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

CALVIN J. DAVIS, ADC #87345

PLAINTIFF

v.

No. 5:12CV00129 JLH-JJV

ROBERT FREADS, Jail Administrator,
Arkansas County Detention Center

DEFENDANT

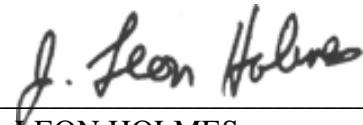
ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Complaint is DISMISSED with prejudice for failure to state a claim upon which relief may be granted.
2. This dismissal constitutes a "strike" within the meaning of the PLRA.¹
3. The Court certifies that an *in forma pauperis* appeal from an Order and Judgment dismissing this action is not in good faith, pursuant to 28 U.S.C. § 1915(g).

DATED this 2nd day of July, 2012.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE

¹ The statute provides that a prisoner may not file an *in forma pauperis* civil rights action or appeal if the prisoner has, on three or more prior occasions, filed an action or appeal that was dismissed as frivolous, malicious or for failure to state a claim, unless the prisoner is under imminent danger of serious physical injury.